

Legislative Bulletin.....September 28, 2010

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H.R. 4387 - To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building" (Miller, R-FL)

Order of Business: The bill is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4387 would designate the federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building.”

Additional Background: Winston E. Arnow was a federal judge who served in the District Court of North Florida. He was nominated by President Lyndon B. Johnson. He served in the JAG Corps during World War II.

Committee Action: H.R. 4387 was introduced on December 16, 2009 and referred to the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management, which held a markup and then reported the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that this legislation would have no significant impact on the federal budget and would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 5591 - To designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower" (McMorris Rodgers, R-WA)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5591 would designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, as the "Ray Daves Airport Traffic Control Tower."

Additional Background: Ray Daves was a noncommissioned officer in the U.S. Navy during World War II. He was a radioman aboard many vessels and he was at Pearl Harbor at the time of the Japanese attack, and was at the Battles of the Coral Sea and Midway, where he survived the torpedoing of the Yorktown.

Committee Action: H.R. 5591 was introduced on June 24, 2009 and referred to the House Transportation and Infrastructure Subcommittee on Aviation, which held a markup and then reported the bill.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that this legislation would have no significant impact on the federal budget and would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 4714—National Transportation Safety Board Reauthorization Act (Oberstar, D-MN)

Order of Business: The bill is scheduled to be considered on Tuesday, September 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The legislation authorizes a total of \$483 million over four years (subject to appropriation) for the National Transportation Safety Board. The annual authorized amounts are as follows:

- \$117,368,000 for fiscal year 2011;
- \$120,258,000 for fiscal year 2012;
- \$122,187,000 for fiscal year 2013; and
- \$124,158,000 for fiscal year 2014.

The legislation also makes some changes to National Transportation Safety Board authority, including:

- Expanding the authority of the NTSB to investigate accidents which result in the death of or serious injury to a person, regardless of whether they are accidental or not, as well as accidents that affect transportation safety, but do not involve the destruction or damage of a vehicle, aircraft, or pipeline.
- Prohibits the Board from disclosing publicly any part of a vessel's voice or video recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic services, or other vessels, or between the vessel's crew and company communication centers, related to an accident investigated by the Board.
- Requires the National Transportation Safety Board and the Secretary of the department in which the Coast Guard is operating to issue regulations to provide the Board prompt notification through the Coast Guard of all marine accidents of potential investigative interest to the Board.

Potential Conservative Concern: The legislation authorizes \$483 million over four years (an average of nearly \$121 million annually). By comparison, the Board received \$98 million in appropriations in the regular FY 2010 process.

Cost to Taxpayers: The legislation authorizes a total of \$483 million over four years (subject to appropriation). The legislation would not impact mandatory spending or revenues.

Committee Action: H.R. 4714 was introduced on March 2, 2010 and was referred to the House Committee on Transportation and Infrastructure. The committee ordered the bill to be reported (as amended) by voice vote on March 3, 2010.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation increases authorized spending levels.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO: “H.R. 4714 would impose private-sector mandates, as defined in UMRA, but CBO estimates that the total cost of complying with the mandates would be minimal and fall below the annual threshold established in UMRA for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: At press time, no committee report citing any potential earmarks is available.

Constitutional Authority: At press time, no committee report citing constitutional authority is available.

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H.R. 6008 - CLEAN Act (*Schauer, D-MI*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6008 would require owners or operators of pipeline facilities to immediately telephone the Secretary and the National Response Center (NRC) regarding the release of hazardous liquids or gases. This phone call must occur at the most practicable moment following discovery of the release, and not later than one hour following the time of the discovery.

No later than 60 days after enactment, the Secretary will issue guidance to clarify the meaning of the term “discovery.”

This legislation increases civil penalties for failure to report violations from \$100,000 to \$250,000 per day. The maximum civil penalty is increased from \$1 million to \$2.5 million.

The legislation also mandates the Secretary of Transportation to maintain a public searchable database on the Department of Transportation’s website detailing all reportable incidents involving hazardous gas or liquids by owners or operators of pipeline facilities.

Under current law (49 CFR, Part 195.52), pipeline operators are required to notify the NRC at the “earliest practicable moment following discovery” of a release. Because many alarms are false alarms, this current interpretation of the law allows the operator to verify that a release has occurred before notifying the NRC.

Potential Conservative Concern: Some conservatives may be concerned that H.R. 6008 could place a hard cap for pipeline operators to notify the NRC within one hour when there is a report concerning a release of a hazardous liquid or gas, whether or not the operator has been able to verify that a release actually did occur. Under this legislation, the Secretary will issue guidance regarding the term “discovery” within 60 days of enactment, however some conservatives would argue that this should be clarified before the bill is voted on.

Some industry officials state that “If operators are mandated to provide inaccurate or insufficient information during the early stages of an event, unnecessary mobilization and deployment of government manpower and local resources will result.”

Committee Action: H.R. 6008 was introduced on July 30, 2010, and referred to the House Transportation and Infrastructure Committee and the House Energy and Commerce Committee. Neither committee took public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO score was unavailable at press time. However, this legislation could increase revenues as a result of increased fines.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. This legislation would impose private-sector mandates on pipeline facility owners and operators.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3427 - State Ethics Law Protection Act (*Quigley, D-IL*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3427 amends U.S.C. Section 112 of title 23, dealing with federal aid and highway contracts that are performed by the state Department of Transportation.

This legislation states that in cases where a state has an existing law that limits the amount of money that a certain individual (who is doing business with a state agency with respect to a federal highway program) may contribute to a political campaign, the state will not be considered to have violated a requirement of the federal code.

Additional Information: According to the sponsor of the legislation this bill is a legislative fix to prevent the Federal Highway Administration (FHWA) from withholding federal transportation dollars from state that have anti pay-to-play laws that limit who can bid on contracts based on political contributions.

Rep. Quigley’s office states that H.R. 3427 simply “states that no state or locality shall be considered in violation of the competitive bidding requirements if they have a law on the books that limits who can bid on contracts based on political contribution.”

According to the office: “Currently the Federal Highway Administration (FHWA) has been selectively enforcing a loophole in Title 23, U.S.C., Sec. 112, to threaten to withhold Federal highway dollars from states that try to clean up corruption with anti pay-to-play laws. Many state and local governments have enacted laws that eliminate pay-to-play. Unfortunately, those entities are being punished by the FHWA, making it difficult, if not impossible, to implement anti-corruption laws if they are interested in receiving Federal highway dollars. In two states – New Jersey in 2004 and Illinois earlier this year – FHWA threatened to withhold money, forcing them to amend their laws, or have millions of Federal Highway dollars withheld.”

Committee Action: H.R. 3427 was introduced on July 30, 2009, and referred to the House Transportation and Infrastructure Subcommittee on Highways and Transit, which took no public action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3960 - Residential and Commuter Toll Fairness Act *(McMahon, D-NY)*

Order of Business: The bill is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: The text of this legislation has been amended and is different than what is currently available through LIS.

H.R. 3960 states that a public authority has the ability to authorize discounts in transportation tolls to “captive tollpayers.” This legislation states that it may not be interpreted to limit any other authority to offer transportation toll discounts, and it will not limit the applicability of a state or local law dealing with toll discounts.

“Captive tollpayer” is defined as an individual who:

- “Is a resident of, or regular commuter to, a locality in the United States that is situated on an island, peninsula, or other area where transportation access is substantially constrained by geography; and
- “Is subject to a transportation toll when using a transportation facility to access or depart the locality.”

Public Authority is defined as:

- “A Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.”

Additional Information: Some individuals live in areas that are adversely affected by tolls due to the surrounding geographic location. In response to this, some states, cities and local transportation agencies have enacted toll and fare discount programs. Some of these programs have attracted recent lawsuits.

According to Rep. McMahon’s office “Recently, in a case entitled *Selevan v. New York Thruway Authority*, the U.S. Court of Appeals for the Second Circuit held that toll discounts for residents of towns bordering the New York State Thruway may be unconstitutional. The plaintiffs in *Selevan* claimed among other things that these residential toll discounts may violate the dormant commerce clause, but the U.S. District Court for the Northern District of New York dismissed their case. The Second Circuit’s decision remanded and reinstated the action, which will now move forward in the District Court.

H.R. 3960 provides congressional authorization for these discounts and makes clear that residential toll and fare discounts are constitutional, fair and necessary to help alleviate the heavy toll burdens paid by so many commuters across the nation.”

Potential Conservative Concern: Some conservatives may be concerned that H.R. 3960 could lead to the discrimination of certain individuals based solely on place of residency. The legislation contains several findings that argue that certain individuals, based on residence, are more negatively affected than others due to tolls. This legislation grants very broad rulemaking authority to all state and community government organizations that manage highways, roads, ferries, etc. to implement programs aimed at reducing the toll burden on specific individuals, based solely on place of residency. Some conservatives may also be concerned that the legislation could violate the Commerce Clause of the U.S. Constitution.

Committee Action: H.R. 3960 was introduced on October 28, 2009, and referred to the House Transportation and Infrastructure Subcommittee on Highways and Transit, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 6016 - Audit the BP Fund Act of 2010 (Brady, R-TX)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6016 directs the Comptroller General to conduct an ongoing independent investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill. The Comptroller General shall determine their effectiveness, including their timeliness of claim payments and the accuracy of those operations in determining amounts of damages to be compensated. The legislation states that BP shall be responsible for the cost incurred to carry out this legislation.

The Comptroller General may use the power of subpoena for the purposes of this audit. A monthly report will be required during this process, until the audit is completed.

H.R. 6016 states that it is the sense of Congress that:

- “BP should fully cooperate with the Comptroller General to assure that the BP relief fund is accurately, expeditiously, and efficiently compensating Gulf coast victims of the BP oil spill for their losses; and
- “The costs incurred by the Comptroller General to carry out responsibilities under this Act should be reimbursed by BP.”

Committee Action: H.R. 6016 was introduced on July 30, 2010, and referred, to the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, and the Subcommittee on Water Resources and Environment, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time. However, this legislation states that BP shall be responsible for reimbursing the Comptroller General for any costs that arise from this legislation.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. The legislation requires BP be responsible for reimbursing the Comptroller General for any costs that arise from this legislation.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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House Amendment to Senate Amendment to H.R. 3619— Coast Guard Authorization Act (*Oberstar, D-MN*)

Order of Business: The House is scheduled to consider the House amendment to the Senate amendment to H.R. 3619 on Tuesday, September 28, 2010. A version of the legislation previously passed the House on October 23, 2009. See the RSC summary of that legislation [here](#).

Summary: H.R. 3619 would authorize FY 2011 appropriations and make other adjustments to Coast Guard policy and management. Highlights are below:

Authorized Spending Levels

Title I Coast Guard Discretionary Authorizations
(Millions of Dollars)

Account	FY 09 Appropriation	H.R. 3619
Operations & Maintenance	6,195	6,971
Acquisition & Construction	1,495	1,640
Research & Development	18	28
Bridge Alteration	16	16
Environmental Compliance	13	13
Coast Guard Reserve	131	135
TOTAL	7,868	8,803

H.R. 3619 also provides an authorization of \$1.4 billion for retired pay under the Retired Serviceman’s Family Protection and Survivor Benefit Plan. According to the CBO analysis of the House bill, “...such benefits are considered an entitlement under current law and are not subject to appropriation. Thus, authorizing the \$1.4 billion would have no budgetary impact.”

In addition to the authorized discretionary spending levels contained in Title I noted above, H.R. 3619 also includes numerous additional, smaller levels of authorized spending subject to appropriation in other sections of the bill.

Authorized Levels of Military Strength and Training

- Authorizes the hiring of 47,000 (an increase of 1,500) active-duty Coast Guard personnel for the end of FY2010.

- Authorizes average military training student loads as follows:
 - recruit and special training: 2,500 student years
 - flight training: 165 student years
 - professional training in military and civilian institutions: 350 student years
 - officer acquisition: 1,200 student years

Some Other Provisions:

Note: These are some of the highlights, but this is by no means an exhaustive list:

- Authorizes the reimbursement of travel-related expenses to Coast Guard personnel who are stationed on an island in the continental United States, when a family member is referred to a specialty care provider off-island that is less than 100 miles from the primary care provider.
- The legislation allows Coast Guard personnel, serving in support of a major disaster or emergency declared by the President, to retain leave.
- Mandates retirement at 62 for regular commissioned officers (except commissioned warrant officers) serving in a grade below rear admiral. For regular commissioned officers with the grade of rear admiral and above, the bill mandates retirement at 64. The bill allows the President, or the Secretary, to waive compulsory retirement under certain conditions.
- Requires the appointment of District Ombudsmen, in each Coast Guard District, to act as a liaison between ports, terminal operators, shipowners, and labor representatives, and the Coast Guard.
- Increases (and expands the Coast Guard's authority to impose the penalty) the fine from \$100 to up to \$10,000 (per day in violation) for violations of rules concerning anchorage grounds.
- Imposes a fine of \$5,000 (for each violation) on any individual or vessel for possession of a controlled substance.
- Requires the Secretary, working through the International Maritime Organization, to establish agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark in the Arctic intended to aid navigation, prevent oil spills, and improve search and rescue.
- Establishes safety equipment standards for all commercial fishing vessels beyond three nautical miles of the coast, and establishes design and construction standards for all such vessels. Individuals in charge of such commercial fishing vessels would have to pass a safety training program. CBO reports that these programs

cost \$100 to \$500 per person. Additionally, CBO reports that thousands of U.S. fishing vessel captains would have to comply with this requirement. The bill further authorizes a total of \$15 million over five years for a new federal program: the Fishing Safety Training Grants Program.

Potential Conservative Concerns: *Potential* conservative concern on H.R. 3619:

Authorization Levels: The legislation authorizes at least \$8.8 billion in FY 2011, which is about \$900 million above the FY 2009 appropriations level. The legislation does not make offsetting reductions to existing spending to cover this increase. In addition, the legislation creates some new federal programs without eliminating any existing programs.

Committee Action: The legislation was introduced on September 22, 2009 and referred to the House Transportation and Infrastructure Committee, which, on September 24, 2009, marked up and ordered the bill reported (as amended) to the full House by voice vote. The House version of the legislation passed on October 23, 2009 by a vote of 385-11.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3619 is not available at press time.

Cost to Taxpayers: The legislation authorizes at least \$8.8 billion in FY 2011.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create several new programs, and impose numerous mandates on the private-sector.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No report for the legislation the House is considering today is available. But for the House-passed version CBO states: “The aggregate costs of the mandates in the bill on private-sector entities are uncertain because many of them would depend on regulations to be developed under the bill. Consequently, CBO cannot determine whether those costs would exceed the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted annually for inflation).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing this information is available.

Constitutional Authority: In the House-passed version of the legislation, the House Transportation and Infrastructure Committee, in House Report 111-303, cites constitutional authority in “article I, section 8 of the Constitution,” but does not cite a specific clause.

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**H.Res. 1646 - Recognizing the commitment and efforts made by the
Library of Congress to promote the joy of reading through the
sponsorship of the National Book Festival (Lungren, R-CA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1546 resolves that the House of Representatives:

- “Recognizes the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival;
- “Recognizes and emphasizes the important historic and ongoing role of the Library of Congress in organizing and running the National Book Festival; and
- “Encourages all Americans to celebrate the 10th National Book Festival, ‘A Decade of Words and Wonder.’”

The resolution contains a number of findings, including:

- “The National Book Festival is a great national treasure that fosters the joy of reading;
- “The first National Book Festival was held on September 8, 2001, and was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;
- “The National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall; and
- “The 2010 National Book Festival will be the 10th National Book Festival, representing a milestone for the Library of Congress and the Nation.”

Committee Action: H.Res. 1646 was introduced on September 22, 2010, and referred to the House Administration Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 512 - Federal Election Integrity Act (*Davis, D-CA*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 512 would prohibit any chief state election administration official from participating in the political management or campaign of any official for federal office.

The legislation provides an exception if the chief official is an immediate family member of a candidate.

Conservative Concerns: Some conservatives argue that the legislation violates First Amendment freedom of speech protections. Some conservatives also have concerns with the manager's amendment, which provides an exception if the chief official is an immediate family member of a candidate.

Additional concerns are noted at the end of House Report 111-363, [linked here](#).

Committee Action: H.R. 512 was introduced on January 14, 2009, and referred to the House Administration Committee, which held a markup on June 10, 2009, and reported the legislation, by voice vote, as amended.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to CBO "Based on information from the Federal Election Commission (FEC) and subject to the availability of appropriated funds, CBO estimates that implementing H.R. 512 would cost less than \$500,000 in 2010. That amount would include one-time computer expenses as well as the cost of issuing new regulations and enforcement activities to implement this provision. In future years under the legislation, general administrative costs of the FEC would increase by negligible amounts."

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. The legislation mandates that chief state election officials may not participate in federal political campaigns.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: In response to the requirements of clause 9 of rule XXI, the Committee reports that H.R. 512 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

Constitutional Authority: House Report [111-363](#) states that Article I, Section 4, Clause 1 of the U.S. Constitution grants Congress the authority to make laws governing the time, place and manner of holding Federal elections.

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H.R. 5717 - Smithsonian Conservation Biology Institute Enhancement Act (*Becerra, D-CA*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5717 authorizes funds for the Smithsonian Institution to plan, design, and build a National Zoological Park, and an animal holding facility, in Front Royal, Virginia for the purpose of conducting research and educational programs.

The Board of Regents of the Smithsonian Institution is authorized to enter into agreements to provide housing and other services to participants in the educational programs. Funding of the housing and other services, as well as the animal holding facility, shall not be provided by the Smithsonian Institution and shall come from non-federal sources.

Committee Action: H.R. 5717 was introduced on July 13, 2010, and referred to the House Administration Committee, which held a markup on July 14, 2010, and reported the legislation. The bill was also referred to the Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management. A full committee markup was held on July 29, 2010, and the legislation was reported.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: H.R. 5717 would authorize \$5 million over the FY 2011-FY 2015 (subject to appropriation) for the Smithsonian Institution. The legislation would authorize \$3 million for each FY afterwards.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would authorize the creation of a zoological park in Front Royal Virginia.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to [House Report 111- 612](#), H.R. 5717 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

Constitutional Authority: According to [House Report 111- 612](#), the Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 6198 - To amend title 11 of the United States Code to make technical corrections; and for related purposes (*Conyers, D-MI*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6198 makes several technical changes to Title 11 of U.S. Code (bankruptcy code), and to Title 18 (Bankruptcy-related crime statues). These technical changes are minor and include fixing spelling errors, fixing incorrect cross-references, and slightly changing other language disagreements throughout the Code.

Additional Information: According to the House Judiciary Committee Republican Staff they have “scrubbed the bill to ensure that all corrections are technical in nature and that they neither confer, modify, or delete substantive bankruptcy rights.”

Committee Action: H.R. 6198 was introduced on September 23, 2010, and referred to the House Judiciary Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 4113 - Federal Courts Jurisdiction and Venue Clarification Act (Smith, R-TX)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: Much of the following summary was provided by the House Judiciary Committee Republican Office.

H.R. 4113 makes technical changes to existing law. Specifically the legislation clarifies that diversity jurisdiction does not exist in lawsuits between a citizen of a state and a permanent resident alien within that state. The legislation defines “citizenship” more accurately for foreign corporations and domestic corporations that do business abroad. H.R. 4113 also adjusts the amount in controversy every five years to the nearest \$5,000. The purpose of this is to keep pace with inflation.

H.R. 4113 also facilitates the use of declarations or stipulations by allowing a plaintiff who wishes to remain in state court to specify that the amount of controversy in his case is less than \$75,000. It further clarifies the provisions regarding timeliness of removal, and separates the removal statute into a civil and criminal statute for ease of reference, and also allows relevant information derived through discovery to trigger a 30-day period in which to remove. It also unifies the approach to venue in diversity and federal question cases, adopts the majority rule governing residence of a natural person, treats unincorporated and incorporated associations identically for purposes of determining venue, and broadens the availability of convenient locations to which a case may be transferred.

Additional Information: According to the House Judiciary Committee Republican office: “The “Federal Courts and Venue Clarification Act” brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate state or federal court where actions should be brought. Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation. The contents are based on recommendations developed and approved by the United States Judicial Conference.”

Committee Action: H.R. 4113 was introduced on November 19, 2009, and referred to the House Judiciary Subcommittee on Courts and Competition Policy, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5932 – Organized Retail Theft Investigation and Prosecution Act of 2010 (*Conyers, D-MI*)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5932 directs the Attorney General to establish the Organized Retail Theft Investigation and Prosecution Unit (ORTIP), which includes investigators, prosecutors, and other necessary personnel.

“Organized retail theft” means the obtaining of retail merchandise by illegal means in order to resell it or aiding and abetting someone who is going to resell the merchandise.

The duties of ORTIP include:

- Investigating and prosecuting instances of organized retail theft;
- Assisting state and local law enforcement agencies in investigating and prosecuting organized retail theft; and
- Consulting with and advising victims of organized retail theft.

No later than one year after the date of enactment, the bill requires the Attorney General to submit a report to Congress with recommendations on how retailers, online businesses, and law enforcement agencies can prevent and combat organized retail theft.

The bill authorizes \$5 million for each year from FY2010 through FY2015.

Potential Conservative Concerns: Some conservatives might be concerned that this bill creates a new unit within the Department of Justice at an authorization level of \$25 million over five years.

Committee Action: H.R. 5932 was introduced on July 29, 2010 and referred to the House Committee on the Judiciary. No further public action was taken.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO report was available at press time. However, the bill authorizes \$25 million over a five year period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes. The bill creates a new unit within the Department of Justice.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Although the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report stating constitutional authority is unavailable.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718.

S. 3304—Equal Access to 21st Century Communications Act (*Senator Pryor, D-AK*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: Similar to H.R. 3101 which passed the House in July, 26, 2010, by a vote of [348 to 23](#), S. 3304 amends the 1996 Communications Act to require Internet-enabled services (broadband) and equipment that provide telephone and television services and data to be accessible to persons with any and all disabilities. Specifically, S. 3304 requires, to the extent technologically and economically feasible, all equipment used to provide advanced communications that provides voice communication via a built-in speaker (typically held to the ear) and that are manufactured in the United States (other than for export) are in compliance to the ADA if a standard has been reviewed and approved by national organizations representing consumers who will be using such telephone or equipment until such times as the FCC may deem otherwise.

The primary substantive difference between the House and Senate bill is that S. 3304 does not include a provision that would have given the FCC open ended authority to expand video description rules to assist the visually impaired.

Conservative Concern: Some conservatives have expressed concern the mandates imposed by the legislation could negatively impact the ability of industry to provide newer services to the marketplace, and in turn, would actually detrimentally impact the development of new technologies to assist people with visual or hearing impairment.

Committee Action: On May 4, 2010, the bill was introduced and referred to the Senate Committee on Commerce, Science, and Transportation. On August 4, 2010, Senator Rockefeller reported the bill to the full Senate with an amendment in the nature of a substitute. On August 5, 2010, the Senate passed Senate Amendment 4603 by unanimous consent, and then passed S. 3304 by unanimous consent.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO report for S. 3304 is unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the bill requires the FCC to prescribe regulations to require that all customer premises equipment used with advanced communications services designed to provide two-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone must provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report sighting Constitutional authority is not available at press time.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

**S. 3828— Making Technical Corrections to the Twenty-First Century
Communications and Video Accessibility Act of 2010
(Senator Pryor, D-AK)**

Order of Business: The bill is scheduled to be considered on Tuesday, September 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: According to the Energy & Commerce Committee, the Senate made several technical errors when drafting S. 3304 to drop the provisions allowing the FCC open ended authority to expand video description rules to assist the visually impaired. To correct their mistake, instead of passing a new corrected bill as is usually done, the Senate drafted and passed another measure (S. 3828) to fix the issues they created. The House will now have to pass both measures as well.

Committee Action: On September 22, 2010, the bill was introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Unanimous Consent. On September 23, 2010, the bill was received in the House.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO report for S. 3828 is unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report sighting Constitutional authority is not available at press time.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.R. 758 - Pediatric Research Consortia Establishment Act (DeGette, D-CO)

Order of Business: H.R. 758 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 758, would amend title IV (National Research Institutes) of the Public Health Services Act to allow (but not require) the Director of NIH, subject to the availability of funds, to award “grants, contracts or cooperative agreements to public or nonprofit private entities” to pay the “cost of planning, establishing and providing basic operating support for up to 20 national pediatric research consortia.”

The consortia, in aggregate will conduct basic, clinical, behavioral, social, or translational research (to meet unmet research needs), as well as training in and demonstration of advanced diagnostic and treatment methods relating to pediatrics. Each consortium must be a collaborative effort with a lead institution. The bill limits grant payments to \$2.5 million per consortium per year for the first 5 year cycle (grants may be extended for additional 5 year periods based on scientific review).

Committee Action: H.R. 758 was introduced on June 23, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score was available at press time. However, if each consortium received \$2.5 million annually for 5 years, total grants would cost \$250 million over 5 years.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 2999 - Veterinary Public Health Workforce and Education Act (Baldwin, D-WI)

Order of Business: H.R. 2999 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.2999 would amend the Public Health Service Act (PHSA) to expand eligibility for public health workforce loan repayment programs, created under the Patient Protection and Affordable Care Act (PPACA), and public health workforce grants to include veterinary public health professions.

The term “veterinary public health” means veterinarians engaged in areas that have an impact on human health including: “biodefense and emergency preparedness, emerging and reemerging infectious diseases, environmental health, ecosystem health, pre- and post-harvest food protections, regulatory medicine, diagnostic laboratory medicine, veterinary pathology, biomedical research, the practice of food animal medicine in rural areas, and government practice.”

Potential Conservative Concerns: A similar was previously included in the [H.R. 3962](#), the Affordable Health Care for America Act" but not included in the final version enacted into law. Some conservatives may see this as yet another add-on or "fix it" bill to PPACA as Democrats were not able to get this provision in under Reconciliation. Some conservatives may take issue with **federal funds being spent on scholarship programs for veterinarians**. Given this time of high deficits and economic uncertainty some may find it fiscally irresponsible to be spending money this way.

Committee Action: H.R. 2999 was introduced on June 23, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score was available at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: While it does not authorize new funding, the bill expands the scope of grant and loan re-payment programs created in PPACA to include veterinarians.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 5354 - GEDI Act (*Rep. Engel, D-NY*)

Order of Business: H.R. 5354 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.5354, the “Gestational Diabetes Act of 2010” or the “GEDI Act,” would require the Secretary of HHS, acting through the Director of Centers for Disease Control and Prevention (CDC), in consultation with the Diabetes Mellitus Interagency Coordinating Committee and appropriate national health organizations, to develop a multisite gestational diabetes research project within the diabetes program at the CDC to expand and enhance surveillance data and research on the disease. The bill would require the Secretary to expand and intensify public health research on gestational diabetes research including developing and testing new approaches for improving postpartum diabetes testing or screening and conducting research to further understand the epidemiologic, socio-environmental, behavioral, translational, and biomedical factors and health systems that influence risk of gestational diabetes and development of type 2 diabetes. H.R. 5354 authorizes \$5 million annually to carry out research over the FY2012 – FY2016 period.

The GEDI Act would require the Secretary, acting through the CDC Director, to award competitive grants to a nonprofit organization (academic center or community health center), State, tribal, or local health agency, in order to lower the rate of gestational diabetes. The Secretary must give a priority to project focusing on, among other items, helping women with risk factors, history, providing postpartum care, and achieving outcomes designed to assess the efficiency and cost-effectiveness of interventions that can inform decisions on long-term sustainability. Applicants must have a plan to lower the rate of gestational diabetes and to develop tracking methods and effective interventions to lower the recurrence in subsequent pregnancies and the development of type 2 diabetes. The bill authorizes an additional \$5 million annually for the grant program over the FY2012 – FY2016 period.

Finally, the Secretary, acting through the CDC Director, must work with State- and tribal-based diabetes programs to encourage postpartum follow-up after gestational diabetes in order to reduce incidence, recurrence and development of type 2 diabetes in women with a history of gestational diabetes.

Additional Background: During pregnancy many women, who previously did not have diabetes, have high blood sugar (glucose) levels, and are diagnosed with gestational diabetes. according to the [American Diabetes Association](#), hormones in the placenta help a baby grow but also can cause insulin resistance making it hard for the mother's body to make and use all the insulin it needs for pregnancy.

Committee Action: H.R. 5354 was introduced on May 20, 2010, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score was available at press time. However, the bill authorizes \$50 million over 5 years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new government spending on grant and research projects.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 2818 - Methamphetamine Education, Treatment, and Hope Act (McNerney, D-CA)

Order of Business: H.R. 2818 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.2818, would amend the Substance Abuse and Mental Health Services Administration (SAMHSA) to reauthorize (as well as expand and enhance) the residential treatment program for pregnant and low income women. The bill would establish a drug-free workplace information clearing house, support residential methamphetamine treatment programs for both pregnant and parenting women, and improve the overall prevention and treatment of methamphetamine addiction. H.R. 2818 would authorize the program at \$16 million for FY2012 and provide for a 3% increase in the authorization amount for each subsequent fiscal year through FY2016.

Specifically, H.R. 2818 would expand the residential treatment program from pregnant and postpartum women to pregnant and "parenting women." Additionally, the bill expand the program from women receiving inpatient treatment to women receiving inpatient or outpatient treatment. According to Republican Energy and Commerce staff, the expansion merely codifies the existing practice of this program of SAMHSA.

H.R. 2818 would require the Director of the Office for Substance Abuse Prevention to prioritize to programs serving an area that is:

- Rural, designated as a health shortage area with a shortage of mental health professionals or an areas, determined by the Director to have a shortage of family-based substance abuse treatment options
- Determined by the Director to have high rates of addition to meth or other drugs.

Additionally, the bill requires the Director of the Office for Substance Abuse Prevention to:

- Maintain a clearing house that provides information and educational material to employers and employees on drug-free workplace and substance abuse prevention and treatment programs; and,
- Support youth involvement in the development and implementation of youth focused prevention strategies.

Committee Action: H.R. 2818 was introduced on June 11, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 2818 would cost \$39 million over the FY2011 – FY2015 period and an additional \$46 million after FY2015. The bill authorizes \$85 million over the FY2012 – FY2016 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill would expand authorization and eligibility for the residential treatment program under SAMHSA.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 2818 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.Res. 1485 - Expressing support for designation of September 2010 as "National Prostate Cancer Awareness Month"

(Neugebauer, R-TX)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1485 resolves that the House of Representatives:

- “Supports the designation of ‘National Prostate Cancer Awareness Month’;
- “Declares that steps should be taken--
 - “To raise awareness about the importance of screening methods for, and treatment of, prostate cancer;
 - “To support research so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and
 - “To continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and
- “Calls on the people of the United States, interested groups, and affected persons:
 - “To promote awareness of prostate cancer;
 - “To take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and
 - “To observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.”

The resolution contains a number of findings, including:

- “In 6 men in the United States will be diagnosed with prostate cancer in his lifetime;
- “Prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;
- “African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the prostate cancer mortality rates of White males;
- “If a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer; and
- “September 2010 would be an appropriate month to designate as ‘National Prostate Cancer Awareness Month’.”

Committee Action: H.Res. 1485 was introduced on June 29, 2010, and referred to the House Energy and Commerce Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

**H.R. 6012 - To direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits
(Space, D-OH)**

Order of Business: H.R. 6012 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.6012, would require the Secretary of HHS to review the utilization of diabetes screening benefits available to seniors on Medicare and make recommendations on outreach activities to be carried out in order to ensure awareness of seniors and providers as to the benefits of such screening and knowledge of status. The Secretary must work in consultation with appropriate agencies and offices within HHS as well as entities with an interest in diabetes. The bill requires an annual report for FY2011 – FY2013.

Committee Action: H.R. 6012 was introduced on July 30, 2010, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: According to [CBO](#), "implementing H.R. 6012 would likely cost less than \$500,000 per year over the 2011-2015 period, subject to the availability of appropriated funds."

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO "H.R. 6012 contains no intergovernmental or

private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 1362 - National MS and Parkinson's Disease Registries Act (*Van Hollen, D-MD*)

Order of Business: H.R. 1362 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.1362 would require the Secretary of Health and Human Services to establish a national a permanent National Neurological (including multiple sclerosis and Parkinson's) Diseases Surveillance System for the purposes of expanding infrastructure and activities to track the epidemiology of neurological diseases as well as facilitate further research. Additionally, H.R. 1362 would require the Secretary to:

- Consult with individuals with appropriate expertise including epidemiologists, clinicians, representatives of national voluntary health associations, health information technology experts, and research scientists.
- Make information and analysis available to other federal agencies and the public (with privacy and security projections at least as stringent as HIPAA).
- Award grants or enter into contracts with public or private nonprofit entities authorized at \$5 million annually for FY2012 – FY2016.
- Submit a report to Congress no later than four years after enactment concerning development and maintenance, type of information collected, and the use and coordination of databases.

Committee Action: H.R. 1362 was introduced on March 5, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: Although no CBO score was available at press time, the bill would authorize \$25 million over the FY2012 – FY2016 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill establishes a new permanent disease registry and new grants for establishment.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 6081 - Stem Cell Therapeutic and Research Reauthorization Act of 2010 (Young, R-FL)

Order of Business: The legislation is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6081 would reauthorize the National Cord Blood Inventory program through FY 2015, and the C.W. Bill Young Cell Transplantation program.

This legislation authorizes for appropriation \$53 million for each fiscal year 2011-2015, or a total of \$265 million for these two programs. Once appropriated, these funds are to remain available until expended.

This legislation also requires the Comptroller General to submit a report to the Senate Committee on Health, Education, Labor and Pensions, the Senate Appropriations Committee, the House Appropriations Committee, the House Energy and Commerce Committee, and the Secretary of Health and Human Services, within one year of enactment, detailing studies, programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

The report will also include:

- “A description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

- “Remote or other innovative technological advances that could be used to collect cord blood units;
- “Appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;
- “Estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;
- “Best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;
- “Potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner; and
- “Recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected.”

Committee Action: H.R. 6081 was introduced on August 9, 2010, and referred to the Energy and Commerce Subcommittee on Health. A full committee markup was held on September 23, 2010, and the legislation was reported, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO states that H.R. 6081 would authorize for appropriation \$53 million in FY 2011, and \$265 million for FY 2011 – FY 2015.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1226 - Commending EyeCare America for its work over the last 25 years (*Green, D-TX*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1226 resolves that the House of Representatives:

- “Commends EyeCare America for its work over the last 25 years.”

The resolution contains a number of findings, including:

- “American public opinion polls have consistently identified fear of loss of vision as second only to fear of cancer;
- “The National Eye Institute estimates that more than 11 million Americans have common vision problems;
- “EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology, works to ensure that eye health is not neglected, by matching eligible patients with one of more than 7,000 volunteer ophthalmologists across the country committed to preventing unnecessary blindness in their communities;
- “These volunteer ophthalmologists provide eye examinations and care for up to one year at no out-of-pocket cost to the patient, and seniors who are without insurance receive this care at no charge;
- “Individuals throughout the United States may contact EyeCare America to see if they are be eligible to be referred to a volunteer ophthalmologist; and
- “EyeCare America has helped over 1 million people since its inception in 1985 and is the largest public service program of its kind in American medicine today.”

Committee Action: H.Res. 1226 was introduced on March 25, 2010, and referred to the House Energy and Commerce Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 1032 - Heart Disease Education, Analysis Research, and Treatment for Women Act (*Rep. Capps, D-CA*)

Order of Business: H.R. 1032 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.1032, the “HEART for Women Act” would amend the PHSA to require the reports by the Government Accountability Office (GAO) and HHS as well as an extension of the Well-Integrated Screening and Evaluation for Women Across the Nation (WISEWOMAN) program, in an effort to improve the “prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular disease in women.”

H.R. 1032 would reauthorize and expand the WISEWOMAN program at CDC by removing the limit on the number of states participating and by increasing funding levels. WISEWOMAN currently provides preventative health services to low-income, uninsured and underinsured women at risk of various cardiovascular diseases.

Additionally, the bill would require a study by the Government Accountability Office (GAO) not later than 12 months after enactment on the extent to which sponsors of clinical studies and applications for approval comply with FDA requirements and guidelines for the “presentation of clinical study safety and effectiveness data by sex, age, and racial subgroups.” HHS would be required to then submit a report (not later than 6 months after the GAO submits their report) in response to the GAO report including a corrective action plan as needed in response to recommendations.

Finally, HHS is required annually (not later than September 30, 2013), to issue a report to Congress on the quality and access to care for women with heart disease, stroke, or other cardiovascular diseases, including recommendations for how to eliminate disparities and improve treatment.

Potential Conservative Concerns: Since the WISEWOMAN program is designed to serve uninsured and underinsured low-income women, some conservatives may be concerned that this program and funding is unnecessary and duplicative due to the enactment of the Patient Protection and Affordable Care Act (PPACA) and the mandate that everyone must carry insurance (including an additional 16 million new Medicaid enrollees).

Committee Action: H.R. 1032 was introduced on February 12, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 1032 would cost less than \$500,000 in 2011 and \$82 million over the FY2011 – FY2015 period and an additional \$57 million after 2015. The bill would authorize \$140.9 million over the FY2012 – FY2016 period starting with \$23 million in FY2012 up to \$34 million in FY2016.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. H.R. 1032 expands and increases funding for the WISEWOMAN program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 1032 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 2408 - Scleroderma Research and Awareness Act (Rep. Capps, D-CA)

Order of Business: H.R. 2408 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.2408 would allow – but not require – the Director of NIH to “expand, intensify, and coordinate” the activities of the NIH in relation to scleroderma with an emphasis on:

- Research on the etiology of the disease and the development of new treatment.
- Clinical research to evaluate new treatment options.
- Basic research on the relationship between the disease and secondary conditions.

Additionally, H.R. 2408 would allow the Secretary to institute an educational campaign to increase public awareness of the diseases.

Committee Action: H.R. 2408 was introduced on May14, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: While the bill does not authorize new appropriations, [CBO](#) estimates that the bill would cost \$12 million over the FY2011 – FY2015 period, assuming appropriation of the necessary amounts.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. While the bill does not authorize new sums, it does allow the Director of NIH to “expand, intensify, and coordinate” the activities of the NIH as well as conduct an educational campaign to increase awareness in relation to scleroderma.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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H.R. 5986 - Neglected Infections of Impoverished Americans Act of 2010 (*Rep. Johnson, D-GA*)

Order of Business: H.R. 5986 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5986 would require the Secretary of HHS (not later than 12 months after enactment) to report to Congress the epidemiology, impact of, and appropriate funding needed to address neglected diseases of poverty. Such diseases include:

- Chagas disease
- Cysticercosis
- Toxocariasis
- Toxoplasmosis

- Trichomoniasis
- The soil-transmitted helminths
- Other related diseases designated by the Secretary

Additionally, the report must provide information necessary to evaluation of the current state of knowledge of these diseases and address the threat of such diseases.

Committee Action: H.R. 5986 was introduced on July 30, 2010, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 5986 would cost less than \$500,000, subject to availability of appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 5986 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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H.R. 1995 - Eliminating Disparities in Diabetes Prevention Access and Care Act (*Rep. DeGette D-CO*)

Order of Business: H.R. 1995 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 1995, also titled “Diabetes in Minority Populations” would authorize a study and report by the Secretary of HHS on the Department’s research and other public health activities with respect to diabetes amount minority populations (defined as “a racial and ethnic minority group” as defined in PHSA). The report would include:

- Evaluations of diabetes research and diabetes surveillance and data collection among minority populations
- Community-based interventions targeting minority populations
- Education and training of health professionals on diabetes prevention and management
- Recommendations for improvement of the Department’s research and other activities of the with respect to diabetes among minority populations.

Committee Action: H.R. 1995 was introduced on April 21, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 1995 would cost less than \$500,000, subject to availability of appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 1995 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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H.R. 1230 - Bone Marrow Failure Disease Research and Treatment Act (Rep. Matsui, D-CA)

Order of Business: H.R. 1230 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 1230 requires the Secretary of HHS to conduct research on acquired bone marrow failure diseases (in collaboration with the Radiation Injury Treatment Network), establish minority-focused outreach and informational programs, and award grants (through Agency for Healthcare Research and Quality) to researchers to study

“best practices with respect to diagnosing and providing care to individuals with such diseases.”

Acquired bone marrow failure diseases outreach and informational programs are to be targeted towards Hispanic, Asian-American, Native Hawaiian, and Pacific Islander populations that are affected. Program activities may include information about and referral services for treatment options and clinical trials.

CBO has estimated that new research on acquired bone marrow failure diseases will not incur any additional costs beyond what NIH will spend on similar research under current law while the new grant program and outreach efforts will require appropriations totaling \$32 million over FY2011 – FY2015.

Committee Action: H.R. 1230 was introduced on April 21, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 1230 would cost \$2 million in 2011 and \$26 million over FY2011 – FY2015. While the bill does not authorize new appropriations, CBO estimates that outreach activities and grants would require appropriations totaling \$32 over the FY2011 – FY2015 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. H.R. 1230 would create a new grant and minority-focused outreach and informational programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 1230 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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H.R. 1347 - Concussion Treatment and Care Tools Act (*Rep. Pascrell, D-NJ*)

Order of Business: H.R. 1347 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.1347 would require the establishment of concussion management guidelines for school-aged children and authorize – not require – the Secretary (acting through the Director of the CDC) to make grants to states to collect information on such concussions and help ensure dissemination and implementation of the guidelines by the target entities. The Secretary is required to convene a conference with relevant stakeholders to help in the establishment of the guidelines.

Additionally, the Secretary must require states receiving grants to utilize applicable expertise offered by high school sports associations, athletic trainer associations, youth sports associations and local chapters of national brain injury organizations. Finally, H.R. 1347 would require reports on the establishment and implementation of the guidelines.

Committee Action: H.R. 1347 was introduced on March 5, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that H.R. 1347 would cost \$29 million over the FY2011 – FY2015 period. While the bill does not authorize new appropriations, CBO estimates that total authorizations levels at \$41 million over the FY2011 – FY2015 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates new federal concussion guidelines for school-aged children.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 1347 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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**H.R. 2941 - To reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers
(DeLauro, D-CT)**

Order of Business: H.R. 2941 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R.2941, would reauthorize and expand [Johanna's Law](#), which directed the Secretary of HHS to develop and carry out a national awareness campaign regarding gynecologic cancers. H.R.2941 would expand Johanna's law by requiring consultation with nonprofit gynecologic cancer organizations with a mission both to conquer cancer and provide outreach to state and local governments and communities to determine the best practices for providing information and outreach services to varied populations. Furthermore, the bill would allow the Secretary to create a new demonstration projects for outreach and education strategies (awarded to no less than 5 public or nonprofit private entities) to increase awareness and knowledge for women and health care providers with respect to early warning signs, risk factors, prevention, screening and treatment options. The bill is authorized at \$18 million over the FY2012 – FY2014 period.

Committee Action: H.R. 2941 was introduced on June 18, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score was available at press time. However, the bill authorizes \$18 million over three years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, H.R. 2941 creates a new grant program and increases the funding for the overall program from \$16.5 million to \$18 million over three years.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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H.R. 5462 - Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010 (*Rep. DeLauro, D-CT*)

Order of Business: H.R. 5462 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5462 would require the Secretary of HHS, acting through the Director of the CDC, to conduct a nationwide birth defects prevention, risk reduction, and public awareness program. The Secretary is required to award grants to States or organizations (who must provide a 25% match of the federal money) to provide pregnancy and breast feeding information services including:

- Accurate evidenced-based, clinical information on maternal exposures that may be associated with birth defects or other health risks such as medications, chemicals, infections, illnesses, nutrition, food-borne pathogens, or lifestyle factors.
- Information weighing the risk of exposures during breastfeeding against the benefits of breastfeeding
- Provision of this information through counselors, web sites, fact sheet, community outreach, etc.

In awarding the grants preferences must be made to States that made pregnancy and breastfeeding information available as of January 1, 2006 and organizations that will provide information in such States. The Secretary is required to evaluate such programs and identify efficient and effective models of providing information, raising awareness and increased knowledge, and modifying risk behaviors.

Committee Action: H.R. 5462 was introduced on May 28, 2010, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that H.R. 5462 would cost \$18 million over the FY2012 – FY2015 and an additional \$14 million after FY2015. The bill would authorize \$4.5 million beginning in FY2012 up to \$8.5 million in FY2016, totaling \$32.5 million over the FY2012 – FY2016 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new grant program costing \$32.5 million over five years.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 5462 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 1210 - Arthritis Prevention, Control, and Cure Act of 2009 (Eshoo, D-CA)

Order of Business: H.R. 1210 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 1210 would authorize the Secretary of HHS to develop and implement a National Arthritis Action Plan to fund activities directly, or through competitive grants, to eligible entities (public or private nonprofit entity) to help control, prevent and surveillance arthritis. The bill also provides education and outreach and awards comprehensive state grants to eligible entities. Under the plan, the Secretary would provide training and technical assistance (including detailing out an officer or employee of HHS) with a corresponding reduction in grant payment equal to the amount of services provided.

Finally, the bill amends the PHS Act to allow the Secretary (in coordination with NIH) to expand and enhance NIH programs related to research and activities that are designed to improve quality of life and outcomes for children with arthritis and other rheumatic diseases. H.R. 1210 would allow the Secretary (with HRSA) to award grants to institutions to support pediatric rheumatology training.

The bill authorizes \$14.6 million for FY2012 (10% more than current appropriations) up to \$21.4 million for FY2016, totaling \$89.1 million over the five year period.

Committee Action: H.R. 1210 was introduced on February 26, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, on September 23, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: [CBO](#) estimates that H.R.1210 would cost \$52 million over the FY2012 – FY2015 period and an additional \$37 million after 2015. The bill authorizes \$89.1 million over the FY2012 – FY2016 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill allows the Secretary to establish – but does not require – a new National Arthritis Action Plan and accompanying grants.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 1210 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 903 - Dental Emergency Responder Act (*Stupak, D-MI*)

Order of Business: H.R. 903 is scheduled to be considered on Tuesday, September 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 903 would expand the role of dentists and allied dental personnel in the United States’ disaster response framework. Specifically, the bill would:

- Amend the National Health Security Strategy (under PHSA) to include dental health facilities and add federal dental entities to the entities that carry out activities under the public health and medical response training program.
- Amend the National Response Plan (established under the Homeland Security Act of 2002) to include dental personnel within the definition of “emergency response provider,” and require the Chief Medical Officer of the DHS to serve as the primary point of contact for the dental community (in addition to the medical community) for matters related to acts of terrorism or disasters.
- Amend the Post-Katrina Emergency Management Reform Act of 2006 to require operational plans developed by federal agencies with responsibilities under the National Response Plan to address the preparedness and deployment of dental resources.

Committee Action: H.R. 903 was introduced on February 12, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on July 27, 2010.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 903 “would have a negligible impact on federal spending over the next five years; any additional spending would be subject to the availability of appropriated funds.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “H.R. 903 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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